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OFFICE OF PETITIONS

In re Application of :
Teblyashkin et al. : DECISION ON PETITION
Application No. 09/963,659 :
Filed: September 27, 2001 :
Atty Docket No. 01.045.01 :
:

This is in response to the PETITION TO WITHDRAW HOLDING OF ABANDONMENT under 37 CFR 1.181(a) filed October 10, 2006.

The application became abandoned for failure to timely pay the issue fee and publication fee within the statutory period of three months from the mailing date of the Notice of Allowance mailed May 24, 2006. An authorization to charge the \$300 publication fee and \$1400 issue fee to a Deposit Account was received on June 28, 2006. However, when presented on June 28, 2006, the Deposit Account was found insufficient to pay the fees as the balance in Deposit Account No. 50-1351 was only \$747.00. No further reply received and no extension of time obtainable, the application became abandoned effective August 25, 2006. A courtesy Notice of Abandonment was mailed on September 28, 2006.

Applicants replied with the instant petition. Applicants request withdrawal of the holding of abandonment on the basis that the fees were timely paid by authorization to charge the Deposit Account filed June 28, 2006. Applicants do not address the insufficiency of the Deposit Account balance.

It is undisputed that the Issue Fee transmittal was timely received on June 28, 2006. However, the record also reveals no error in processing. Rather, funds were insufficient to pay the authorized fee.

As provided in 37 CFR 1.25(a), charges to accounts with insufficient funds will not be accepted. As the Deposit Account was insufficient when the issue fee and publication fee were presented, they were properly not accepted. Accordingly, the application became abandoned for failure to timely pay the issue fee (and publication fee). Under the circumstances, withdrawal of the holding of abandonment is not warranted.

The petition under 1.181 is **DISMISSED**.

No fee is required and none has been charged for consideration of this petition.

Any request for reconsideration must be submitted within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time under 37 C.F.R. §1.136(a) are not permitted. See 1.181(f).

Alternatively, applicants may seek revival under the provisions of 37 CFR 1.137. Such a request should include a cover letter entitled "Petition under 37 C.F.R. § 1.137(a)" or "Petition under 37 C.F.R. § 1.137(b)," as appropriate. The filing of a petition to revive will be dismissed if it is found that its filing was intentionally delayed.

Further correspondence with respect to this decision should be addressed as follows:

By mail: Mail Stop Petition
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Telephone inquiries related to this decision should be directed to the undersigned at (571) 272-3219.



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